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Before the
Federal Communications Commission
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Revision of the Commission's Rules to Ensure)	CC Docket No. 94-102
Compatibility with Enhanced 9-1-1 Emergency)	DA 98-1936
Calling Systems)	

**REPLY COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA")¹ respectfully submits the following reply comments in response to the Commission's request for comment on the September 17, 1998 *ex parte* filing of the Ad Hoc Alliance for Public Access to 911 ("Ad Hoc Alliance").² In its filing, the Ad Hoc Alliance has proposed a revised "strongest signal" requirement for 9-1-1 calls.³ The Ad Hoc Alliance now proposes that the Commission adopt a rule change mandating that, if the signal from the user's provider is "inadequate" at the time a 9-1-1 call is placed through the use of an *analog* cellular handset, then the handset must have the

¹ PCIA is the international trade association created to represent the interests of both the commercial and private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

² *Public Notice*, DA 98-1504, CC Dkt. No. 94-102 (rel. Sept. 22, 1998).

³ Under the "strongest signal" approach, all new analog cellular handsets would have to be capable of automatically selecting the strongest available compatible channel of communication whenever 9-1-1 is dialed.

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capability to select automatically the strongest available compatible channel of communication for purposes of completing the 9-1-1 call.

The inherent problems with the “strongest signal” proposal as well as this new proposal are already well documented.⁴ Moreover, as noted in the initial round of comments in this proceeding, there is widespread industry support for the adoption of an automatic A/B selection system that would permit new analog handsets to access the non-preferred carrier if the preferred carrier’s network is not available.⁵ Such a system would permit a cellular customer who finds himself in a coverage “hole” to place a 9-1-1 call even if the carrier to which he or she is subscribed (or an authorized roaming partner) is unable to process the call. Further, the automatic A/B selection proposal would leave to each carrier the ability to make a determination about signal strength based on the characteristics of its individual infrastructure and handsets. Automatic A/B selection for analog-only handsets is also compatible with existing network registration and control procedures and could be implemented at a minimal cost and much more quickly than the “strongest signal” approach.

PCIA also challenges assertions made by both Bell Atlantic Mobile, Inc. and Ameritech Mobile Communications, Inc. that the Commission is required to apply any future rulemakings regarding 9-1-1 to all CMRS service providers, not only to those who provide analog cellular service. In its comments, Bell Atlantic Mobile, Inc. argues that “[a]s digital PCS and other technologies expand to serve a steadily growing portion of the public, any further rulemaking

⁴ See e.g., Comments of PCIA at 6-7 (Dec. 15, 1995); Report of CTIA, PCIA, APCO, NENA, NASNA, and Alliance (Jan. 30, 1998) (1997 E9-1-1 Annual Joint Status Report); *see also* Comments of BellSouth Corp. (Oct. 7, 1998).

⁵ See e.g., Comments of AT&T Wireless Services, Inc. at 3-4; Comments of CTIA at 11-12.

regarding 9-1-1 must encompass them as well.”⁶ Similarly, Ameritech Mobile Communications, Inc. states that principles of regulatory parity require the Commission to deny the Alliance’s proposal for singling out this one service.”⁷

As has already been documented by the Commission, common air interface standards currently make analog cellular systems relatively compatible for 9-1-1 calls on all cellular systems.⁸ In other words, any analog cellular mobile telephone is able to place and receive calls in any analog cellular system. In contrast, common standards do not exist for broadband PCS systems or between other mobile service systems. As a result, if phones are automatically programmed to search out the strongest signal, but the carrier possessing that signal is using an incompatible air interface, the subscriber would be unable to complete the 9-1-1 call. Clearly, such facts justify any sort of regulatory disparity.⁹

⁶ Comments of Bell Atlantic Mobile, Inc. at 5 (Oct. 7, 1998).

⁷ Comments of Ameritech Mobile Communications, Inc. at 2 (Oct. 7, 1998).

⁸ See Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996), 61 Fed. Reg. 40348, 40374 (1996).

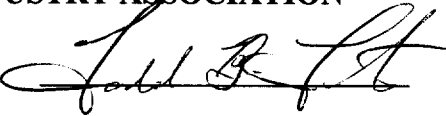
⁹ *McElroy Electronics Corp. v. FCC*, 990 F.2d 1351, 1365 (D.C. Cir. 1993) (“[w]e remind the Commission of the importance of treating similarly situated parties alike or providing an adequate justification for disparate treatment.”)

CONCLUSION

For the foregoing reasons, PCIA urges the Commission to reject the Ad Hoc Alliance's revised "strongest signal" requirement for 9-1-1 calls and endorses the adoption of an automatic A/B selection system. In addition, PCIA rejects the assertions made by Bell Atlantic Mobile, Inc. and Ameritech Mobile Communications, Inc. that principles of regulatory parity demand that any future rulemakings regarding 9-1-1 apply to all CMRS service providers.

Respectfully submitted,

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